IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 11448 of 2004

Between:

G. Japamala W/o Y. George Prakash, Student,
H. No. 1-1-123/A, Prasanth Nagar, Warangal,

Warangal District

..... PETITIONER

AND

1 The Principal, Fatima College of Education, Fatima Nagar Kazipet, Warangal District
2 The Convenor/ED.C.E.T., P.G. Centre for Distance Education, Osmania University, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass orders, particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not giving admission to the petitioner in B.Ed. (Biology) Course under Minority Quota as arbitrary, illegal, discriminatory and violative of Articles 14, 21 and 29 of the Constitution of India, and consequently direct the Respondents to admit the petitioner in B.Ed. 1st year course.

Counsel for the Petitioner:MR.KASA JAGANMOHAN REDDY

Counsel for the Respondent No.2: MR.DEEPAK BHATTACHARJEE (Standing Counsel)

Counsel for the Respondent No.1 : Notice sent.

The Court, at the stage of admission, made the following :

ORDER

The petitioner, who is said to be qualified Ed.C.E.T., examination in Biology subject, claims that though the 2nd respondent allotted her to the 1st respondent College, for admission under Minority quota, the 1st respondent was not giving admission to her, on the ground that her religion was entered as Hindu in her certificates. The plea of the petitioner is that her ancestors got converted into Christian community and that she was also baptized at St.Ann's Church, according to the Roaman Catholic rituals on 14.04.1974. It his her grievance that, in spite of production of Religion certificate, which was issued by the Mandal Revenue Officer, after verification of church records on 03.07.2004, the 1st respondent is not giving admission, and instead, the 1st respondent addressed a letter to the 2nd respondent, for conversion of the Biology subject to Social studies, on the ground that her Community is described as Hindu in the certificate.

The 2nd respondent filed a counter affidavit stating that the admissions, which are made, concern to academic year 2003-04 and not 2004-05, as mentioned by the petitioner, and that the Convenor never insisted for any certificates of qualification from the candidates, at the time of applying for the entrance test. It is only after a candidate qualifies in the entrance test, that candidate will be asked to submit the certificates, and the Convenor never allotted the petitioner to the 1st respondent college, for admission, under Minority quota. More so, the 1st respondent college is an unaided minority institution and the Convenor, Ed.C.E.T., 2003, was not vested with any rights to make admission to the said College. Further, the Principal of the 1st respondent College never approached the Convenor, Ed.C.E.T., 2003, for any

conversion of seat, as alleged by the petitioner. Therefore, he prays for dismissal of the writ petition being devoid of merits.

Taking the totality of the circumstances and especially having regard to the submission that the Convenor never allotted the petitioner to the 1st respondent College, and since the petitioner failed to substantiate the same, the relief, as claimed by the petitioner that the petitioner should be given admission under minority quota, as per the allotment made by the Convenor, cannot be countenanced.

The writ petition fails and accordingly the same is dismissed. There shall be no order as to costs.

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(A.GOPAL REDDY,J)

Dt:11.10.2004

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To

1 The Principal, Fatima College of Education, Fatima Nagar Kazipet, Warangal District
2 The Convenor/ED.C.E.T., P.G. Centre for Distance Education, Osmania University, Hyderabad.

3. 2 C.D. copies